

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

William Eure Truett,)
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 Plaintiff,) Civil Action No. 5:21-2037-BHH
)
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 vs.)
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 Defendants.)
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ORDER AND OPINION

Horry County Jail, Conway, SC;)
Wayne Owens, Warden; Christopher Pack,)
Correctional Officer; Sgt Scheuer; and)
Lt of 6-2 Shift at Horry County,)

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This matter is before the Court upon Plaintiff William Eure Truett's ("Plaintiff") *pro se* complaint, which alleges violations of his constitutional rights pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On July 19, 2021, the Magistrate Judge issued a proper form Order giving Plaintiff until August 9, 2021, to bring the case into proper form for evaluation and possible service of process. (ECF No. 9.) In that Order, Plaintiff was warned that failure to provide the necessary information within the timetable set forth would subject the case to dismissal. Plaintiff failed to comply with that Order, and a second proper form Order was issued on August 19, 2021, giving Plaintiff until September 2, 2021, to bring the case into proper form. (ECF No. 17.) Plaintiff made multiple requests via telephone calls and emails asking for extensions of time. (See ECF Nos. 20, 24, 26, 32). Plaintiff was instructed multiple times that his communications with the court should be written, signed and sent by U.S. Mail to the Clerk of Court in Florence.

On January 24, 2022, the Magistrate Judge issued a report and recommendation ("Report") recommending that this action be dismissed *with prejudice* and without leave for further amendment as Plaintiff failed to cure identified deficiencies. (ECF No. 43.)

Attached to the Magistrate Judge's Report was a notice advising Plaintiff of his right to file written objections to the Report within fourteen days of being served with a copy. (*Id.* at 8.) Plaintiff again emailed a request for an extension of time to file objections, which the Court granted, but advised Plaintiff that motions needed to be submitted in writing and mailed to the Clerk's Office. He was further advised that future requests for extensions would not be granted without the filing of a proper motion.

Plaintiff filed no objections and the time for doing so expired on March 7, 2022. (See *id.* (noting objections were due by March 4, 2022, with an additional three days to be added if served by mail).)

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation'" (quoting Fed. R. Civ. P. 72 advisory committee's note)).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. Finding none, the Court ADOPTS the Magistrate Judge's Report (ECF No. 43) and DISMISSES this action, *with prejudice*, in accordance with Rule 41(b) of the Federal Rules

of Civil Procedure.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

March 10, 2022
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.